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14 Attorneys for Defendant:
15 QUICKEN LOANS INC.

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**
18 **WESTERN DIVISION**

19 AMANDA HILL and GAYLE HYDE,
20 Individually and On Behalf of All
21 Others Similarly Situated,

22 Plaintiffs,

23 v.

24 QUICKEN LOANS INC.,
25 Defendant.

Case No. 5:19-cv-00163-FMO-SP

**DECLARATION OF W. KYLE
TAYMAN IN SUPPORT OF
DEFENDANT QUICKEN LOANS
INC.'S *EX PARTE* APPLICATION
FOR LEAVE TO FILE RESPONSE
TO PLAINTIFF'S OBJECTIONS**

Courtroom: 6D

Judge: Hon. Fernando M. Olguin

DECLARATION OF W. KYLE TAYMAN

I, W. Kyle Tayman, declare as follows:

1. I am a partner with the law firm Goodwin Procter LLP and a member of the Massachusetts and District of Columbia bars. I have been admitted *Pro Hac Vice* in the above-captioned matter as counsel for Quicken Loans Inc. (“Quicken Loans”).

2. I submit this Declaration in connection with Quicken Loans’ *Ex Parte* Application for Leave to Respond to Plaintiff’s Evidentiary Objections and Corrected Declaration.

3. I make this Declaration based on my personal knowledge and, if called as a witness in this action, I could and would testify competently as to matters set forth herein.

4. On June 14, 2019, my colleague, Patrice Hendriksen, and I met and conferred with two of Plaintiff’s counsel of record, Frank Hedin and David Hall, about Quicken Loans’ intent to file a Motion for Leave to file a response to Plaintiff’s Evidentiary Objections to the M. Viner Declaration and Accompanying Exhibit 1 Filed in Support of Defendant Quicken Loans Inc.’s Reply to the Motion to Compel Arbitration (the “Objections,” ECF No. 49) and Corrected Declaration (ECF No. 48). During that call, we requested that Plaintiff not oppose the motion for leave, or agree to waive the L.R. 7-3 seven-day waiting period for a noticed motion for leave. Plaintiff declined to do either and instead informed Quicken Loans that Plaintiff required additional time to consider the request and would provide her position on the requests at some unspecified time in the following seven day period.

5. As Plaintiff would not provide her position on these requests during the call, or provide a date certain for providing her position, I informed Plaintiff’s counsel that Quicken Loans would instead seek an *ex parte* application. Plaintiff’s

1 counsel did not consent to the application and reserved Plaintiff's right to submit an
2 opposition.

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4 I declare under penalty of perjury that the foregoing is true and correct.
5 Executed this 17TH day of June, 2019.

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7 /s/ W. Kyle Tayman
8 W. KYLE TAYMAN
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PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is: Three Embarcadero Center, San Francisco, California 94111.

On **June 17, 2019**, I caused to be served the following document on the persons below as follows:

**DECLARATION OF W. KYLE TAYMAN IN SUPPORT OF DEFENDANT
QUICKEN LOANS INC.'S *EX PARTE* APPLICATION FOR LEAVE TO FILE
RESPONSE TO PLAINTIFF'S OBJECTIONS**

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***PRO HAC VICE NOT YET FILED
Courtesy Copy Only***

☐ (FACSIMILE). Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

1 ☐ (MAIL). I placed the envelope for collection and mailing, following our
2 ordinary business practices. I am readily familiar with this firm's practice
3 for collecting and processing correspondence for mailing. On the same day
4 that correspondence is placed for collection and mailing, it is deposited in
5 the ordinary course of business with the United States Postal Service, in a
6 sealed envelope with postage fully prepaid. I am a resident or employed in
7 the county where the mailing occurred. The envelope or package was
8 placed in the mail at San Francisco, California.

9 ☐ (OVERNIGHT DELIVERY). I deposited in a box or other facility regularly
10 maintained by FedEx, an express service carrier, or delivered to a courier or
11 driver authorized by said express service carrier to receive documents,
12 a true copy of the foregoing document in sealed envelopes or packages
13 designated by the express service carrier, addressed as stated above, with
14 fees for overnight delivery paid or provided for.

15 x (E-MAIL or ELECTRONIC TRANSMISSION). Based on a court order or
16 an agreement of the parties to accept service by e-mail or electronic
17 transmission, I caused the documents to be sent to the persons at the e-mail
18 addresses listed. I did not receive, within a reasonable time after the
19 transmission, any electronic message or other indication that the
20 transmission was unsuccessful.

21 I declare under penalty of perjury that I am employed in the office of a
22 member of the bar of this Court at whose direction this service was made and that
23 the foregoing is true and correct.

24 Executed on **June 17, 2019**, at Redwood City, California.

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Gareth J. Oania

(Type or print name)



(Signature)